



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

J.R.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/877,155 06/17/97 CORMIER

M ARC2466R1

EXAMINER

QM12/1226

D BYRON MILLER
ALZA CORPORATION
950 PAGE MILL ROAD
PALO ALTO CA 94303-0802

KENNEDY, S

ART UNIT

PAPER NUMBER

3763

DATE MAILED:

12/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/877,155

Applicant(s)
Cormier et al

Examiner
Sharon Kennedy

Group Art Unit
3763



☒ Responsive to communication(s) filed on Oct 5, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 6, 7, 30, 31, 55, 57-74, 76-78, 80-91, 93-97, and 99-103 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 6, 7, 30, 31, 55, 57, 59-74, 76, 78, 80-91, 93-97, and 99-103 is/are rejected.

☒ Claim(s) 58 and 77 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). See the comments set forth in the previous office action and below.

Claim Rejections - 35 USC § 102

3. Claims 6, 7, 30, 31, 55, 57, 59-62, 65-68, 71-74, 76, 78, 80, 83-86, 89-91, 93, 94, 99-100 are rejected under 35 U.S.C. 102(b) as being anticipated by Ganderton et al., 3,814,097. See the comments set forth in the previous office actions.

4. Claims 6, 55, 57, 59, 64-66, 71 and 72 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Reed et al., U.S. 5,312,456. The comments set forth in the previous office actions are incorporated herein.

Claim Rejections - 35 USC § 103

5. Claims 63, 64, 69, 70, 81, 82, 87, 88, 95, 96, 97, 101-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ganderton et al., U.S. 3,814,097. The comments set forth in the previous office actions are incorporated herein.

6. Claims 7, 63, 69 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 5,312,456. The comments set forth in the previous office actions are incorporated herein.

Allowable Subject Matter

7. Claims 58 and 77 would be allowable if rewritten to include all of the limitations of the base claim.

Response to Arguments

8. Applicant's arguments filed October 5, 2000 have been fully considered but they are not persuasive.

Regarding the objection to the specification, in other words, the phrase "helps prevent" is not in the specification. The examiner is not required to point out claims, and the fact that the phrase appears in the claims is irrelevant to a rebuttal argument. Regarding claim 80, it is agreed that the embodiment is shown in figure 4.

Regarding the amendment claims 6, 30, the examiner did not state that such a claim would be allowable. The examiner stated that "the prior art does not disclose or suggest an anchor in the form of adhesive on a surface of at least one of a plurality of blades. Clearly, Ganderton discloses that adhesive may be applied on rim 2. Applicant's claims do not define over this feature.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is (703) 305-0154.


Sharon Kennedy
Primary Examiner

December 21, 2000